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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,987	01/30/2002	Nobuya Nakamoto	8001-1006	6472
466	7590	06/18/2004	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			BROADHEAD, BRIAN J	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/058,987

Applicant(s)

NAKAMOTO, NOBUYA

Examiner

Brian J. Broadhead

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-15 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 30 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4-19-04.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 through 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Baron, 6459388.

3. As per claim 1, Baron discloses a registration unit that registers location information indicating a specific location and contents information indicating contents to be replayed at said specific location, designated by a user on lines 31-35, on column 8; a detection unit which detects that the contents replay system is currently located at the specific location on lines 5-15, on column 3; and a replay unit which replays the contents at said specific location detected by the detection device on lines 55-60, on column 3.

4. As per claims 2, 5, 8, and 10, Baron discloses a network on line 1, on column 6; a terminal connected to the network that comprises a first communication unit that transmits contents information indicating contents to be replayed at a specific location to the network, a detection unit that detects that the contents replay system is currently located at the specific location, and a replay unit that replays the contents indicated by

the contents information at the specific location on lines 29-35, on column 8; a server connected to the network and a second communication unit which transmits the contents to the terminal via the network in response to a request of the terminal on lines 40-41, on column 7; the first terminal register location information in a removable storage unit on lines 43-45, on column 7.

5. As per claims 3, 6, Baron discloses the server transmits the contents to the terminal before the detection unit detects the specific location on lines 43-44, on column 7.

6. As per claims 4, 7, and 9, Baron discloses the server transmits the contents to the terminal when the detection unit detects the specific location on lines 41-42, on column 7.

7. Claims 1 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogino et al., 6205399.

8. Ogino et al. disclose a registration unit that registers location information indicating a specific location and contents information indicating contents to be replayed at said specific location, designated by a user on lines 35-40, on column 1; a detection unit which detects that the contents replay system is currently located at the specific location on lines 57-60, on column 1; a replay unit which replays the contents at said specific location detected by the detection device on lines 23-24, on column 2; and said registration unit comprises an input selection unit for the user to select the specific location and the contents information prior to arrival at the specific location on lines 55-61, on column 2.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 12 through 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baron, 6459388, in view of Ogino et al.

11. Baron discloses the limitations as set forth above. Baron does not disclose registration unit comprises an input selection unit for the user to select the specific location and the contents information prior to arrival at the specific location. Ogino et al. teach the registration unit comprises an input selection unit for the user to select the specific location and the contents information prior to arrival at the specific location on lines 55-61, on column 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the selection of location in Ogino et al. in the invention of Baron because such modification would allow reproduction of audio at a previously input predetermined position as stated on lines 23-24, on column 2 of Ogino et al.

Response to Arguments

12. Applicant's arguments filed 1-5-04 have been fully considered but they are not persuasive. From the remarks it appears the applicant is arguing that the same user designates the location and content data and then has that content played back to him/her. This is not in all the claims, it only appears in claim 2. In Baron, users are able

to add information to the "guided tour" that will be played back to other users when they are at the locations that the user records information for. This is disclosed on lines 28-31, on column 3. The first user designates the content. Also, if this first user returns to the location his/her recorded information for that location would be played back to the first user.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 703-308-9033. The examiner can normally be reached on Monday through Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

BJB


THOMAS C. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 3600